

RULES OF PRACTICE AND PROCEDURE BEFORE THE
TOWN OF WEST WARWICK
PLANNING BOARD

APPLICATION FOR RELIEF

In all applications for Subdivision or Land Development a current zoning certificate from the building official must be filed in accordance with the provisions of Chapter 17 SUBDIVISION AND LAND DEVELOPMENTS.

REPRESENTATION

Any applicant that is a formal business entity registered with the Secretary of State, such as a corporation or LLC must be represented by an attorney.

An applicant that is a partnership may be represented by one of the partners or an attorney.

An applicant that is an individual may represent himself or herself or be represented by an attorney.

Persons not licensed to practice law in the State of Rhode Island, such as architects, builders, engineers, etc. may not represent any applicant.

EXPERT TESTIMONY

Evidence that has been prepared by a professional on behalf of any party to the proceedings such as a land surveyor, engineer, traffic expert, etc must be presented by the professional that did the preparation to respond to questions from the Board members.

For example:

Surveys will require the preparing surveyor to be present.

Drainage will require the preparing engineer to be present.

Compliance with the comprehensive plan will require a real estate expert.

FILING OF DOCUMENTS

All documents in excess of 2 pages that any party wishes to be presented to the Board must be filed with the Board not less than 10 days prior to the hearing date. It shall be in the discretion of the

Board, by a vote of the majority of the Board, whether the Board will allow or refuse the filing of such document or will continue the hearing for 1 month to allow time for the Board to review such documents. Any party filing such document shall agree that if the Board shall vote to continue the matter for 1 month to allow the review of the document, the party so filing shall agree to stipulate that he, she or it will waive any time deadlines that will expire as a result of such continuance.

NOTICE

In all cases requiring certified notice to abutters the returned receipts AND Affidavit of Compliance MUST be filed with the clerk before any hearing will be held.

MEETING

The Chairperson shall call the meeting to order. The clerk shall take a roll call. Three members must be present for a quorum. The Chairperson will call the matters to be heard in the order in which they appear on the agenda. The Board, in its discretion, may, by majority vote, change the order in which matters shall be called for hearing.

PROCEDURE FOR HEARING

The applicant shall present testimony and evidence first. The Board may question applicant or witnesses during presentation. Upon completion of applicant's presentation, persons wishing to speak in favor of application will be heard. The Board may question persons speaking.

Upon completion of applicant's and persons speaking in favor, persons opposed to the application will present testimony and evidence. The Board may question witnesses during presentation.

Upon completion of objector's presentation, the applicant will be given opportunity to respond to objectors presentation. The Board may question presenters.

Upon completion of applicant's response, the Chairperson shall request a motion to close the public hearing. A motion will be made and seconded, and upon affirmative vote of a majority of the Board, the public hearing will be closed.

The Board will then discuss the application. During the Board's discussion, any person appearing on the matter, including Town staff, may be questioned by the Board. Only question and discussion will be allowed. Unless requested by the board, no additional testimony or evidence may be presented.

After discussion, upon motion made and seconded, a roll call vote of the members or alternates sitting on the application will be taken on the approval or denial of the application and any conditions that the Board may attach to an approval.

VOTING PROCEDURE

Upon closing of discussion a motion shall be made and seconded to approve or deny the application.

Conditions may be added to the motion either at the time of making of the motion or by amendment to the motion.

After the motion is made and seconded and amended if required, the Board shall discuss the motion with the members stating the reasons for being in favor or opposed to the application.

After discussion a vote will be taken on the motion.

RULES OF CONDUCT

ALL PERSONS WISHING TO ADDRESS THE MEETING MUST BE RECOGNIZED BY THE CHAIRPERSON BEFORE SPEAKING.

Only one person may speak at one time.

Witnesses shall not give repetitive testimony but shall refer to the prior witness and shall state that they wish to join in that witness's testimony.

The Chairperson may set time limits on testimony.